

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

<sup>1</sup> Petitioner's third child was born on August 11, 2007. Petitioner's fiancé joined the household so that the household is now comprised of five people. As a two parent household, petitioner's case has been assigned to the Department of Labor for case management. Petitioner is currently working with her new case manager to bring her case into compliance.

attend the June 7, 2007 employability assessment. Petitioner did not call prior to the appointment to reschedule the appointment.

3. M.H., petitioner's RUFA case manager, scheduled petitioner for a RUFA meeting on June 12, 2007. Petitioner telephoned the Department on June 12, 2007 asking that the meeting be rescheduled. M.H. and petitioner rescheduled the meeting for June 18, 2007.

4. Petitioner did not attend the June 18, 2007 meeting. Petitioner did not contact the Department prior to the meeting that she was unable to attend the meeting or needed to reschedule the meeting.

5. On June 20, 2007, M.H. submitted a sanction authorization for her supervisor's approval. M.H. based the sanction authorization upon petitioner's failure to attend the June 7, 2007 employability assessment and petitioner's failure to attend the June 18, 2007 RUFA meeting. M.H. noted that petitioner had two prior conciliations on May 13, 2004 and February 8, 2006. Because petitioner had two prior conciliations, the next step was a sanction reducing petitioner's grant.

6. On June 21, 2007, P.H., Department supervisor, approved the sanction authorization. Because petitioner had

been a RUFA recipient for over 60 months, the sanction amount was \$225 per month. A written notice was sent petitioner on June 21, 2007 explaining that she was being sanctioned for failure to comply with RUFA requirements without good cause and that her grant would be reduced starting July 1, 2007.

7. Petitioner called the Department on June 21, 2007 and left a message that she was unable to make the June 18, 2007 appointment. M.H. called the petitioner back that same day to inform petitioner of the sanction and the next steps petitioner needed to take. Petitioner later called M.H. back to appeal the sanction. Petitioner has been receiving continuing benefits.

8. A fair hearing was scheduled for July 25, 2007 at 10:00 a.m. Petitioner came to the fair hearing late. The Human Services Board had a full schedule of hearings that day. Petitioner was squeezed into the schedule to identify the issue, identify how to cure the alleged sanction, and to schedule sufficient time for a fully contested hearing. Petitioner and M.H. then met that day to start the process of curing the sanctions.

9. M.H. scheduled a home visit with petitioner for July 31, 2007. Petitioner was not home when M.H. went to the home visit. Petitioner had not telephoned M.H. prior to the

home visit to reschedule the home visit. M.H. wrote petitioner a letter on August 8, 2007 confirming that petitioner was not home for the July 31, 2007 home visit and that M.H. was told that petitioner was at a funeral. M.H. noted in her letter that petitioner had not called to reschedule their home visit.

10. Petitioner testified that she had a high risk pregnancy. The Department records include a Medical Deferment Form from January 23, 2007 placing limits on work activities for three months or longer, but the Medical Deferment did not preclude all work activities or RUFA activities. Petitioner testified at the hearing that she missed the June 7, 2007 meeting because she was ill. Petitioner further testified that she wrote down June 20, 2007 for the June 18, 2007 meeting. Petitioner's testimony regarding the June 20, 2007 date is not credible in light of the information she provided the Department when she telephoned the Department on June 21, 2007 about the missed June 18, 2007 appointment. Petitioner did not contact the Department prior to either of her scheduled appointments and did not offer any reasons why she failed to do so.

ORDER

The Department's decision to sanction the petitioner is affirmed.

REASONS

The Reach Up Financial Assistance (RUFA) program is predicated, in part, on helping families become self-sufficient. W.A.M. § 2200. To do so, the Department works with the recipient to assess employability and develop a Family Development Plan that identifies the recipient's work goal. The recipient's responsibilities include participation in assessment and RUFA meetings. W.A.M. § 2370.1.

When the recipient does not comply with RUFA requirements, the recipient may face financial sanctions. The Department's first response is to try the conciliation process unless the recipient has had two prior conciliations within a sixty month period. W.A.M. §§ 2371 and 2372. Petitioner had two conciliation attempts within a sixty month period. Under the regulations, sanctions are an appropriate response provided there is not good cause.

Good cause is defined at W.A.M. § 2370.32 and can include illness if the recipient notifies the appropriate person as soon as possible. Good cause has not been established in the petitioner's case.

Petitioner missed two scheduled appointments. The assessment for employability was scheduled on June 7, 2007. Petitioner did not attend this meeting nor did petitioner notify the Department prior to the meeting or as soon as possible that she was unable to attend due to illness. Petitioner was in communication with the Department on June 12, 2007 to reschedule a meeting scheduled for that day with M.H., her case manager. There is no evidence that petitioner used the opportunity of this telephone call to explain that she had been ill and unable to attend the June 7, 2007 employability assessment. M.H.'s case notes indicate that petitioner did not raise illness as an excuse until their telephone conversation of June 21, 2007. In terms of the missed June 18, 2007 appointment, petitioner has not claimed illness as an excuse.

Based on petitioner's failure to comply with RUFA requirements without good cause, the Department is justified in seeking sanctions. Because petitioner has received RUFA benefits for more than sixty cumulative months, the sanction amount is \$225 per month. W.A.M. § 2372.2. Accordingly, the Department is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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